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LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			EXAMINER NGUYEN, QUYNH H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/884,316

Applicant(s)

CONTRACTOR, SUNIL H.

Examiner

QUYNH H. NGUYEN

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 10/6/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 10/6/08 has been entered. Claim 28-31 and 33-35 has been amended. No claims have been cancelled. No claims have been added. Claims 28-48 are still pending, with claims 28 and 31 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 28 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between a subscription list and other claimed elements (a programmable telephone number, a telephone system, etc...) are unclear.

Claim Rejections - 35 USC § 103

4. Claims 28-31 and 33-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbel et al. (U.S. Patent 5,276,731) in view of Pershan et al. (U.S. Patent 6,718,026) and Rogers et al. (U.S. Patent 5,946,386) and further in view of Blumhardt (US Patent 5,479,495).

As to claim 28, Arbel et al. teach a selective call forwarding system (col. 4, lines 17-19; col. 7, lines 55-57; and col. 9, lines 51-53), comprising:

a telephone system (col. 7, lines 42-43 - *where Arbel discussed the inventive message delivery system*) configured to receive a call made from one of a plurality of preferred caller telephone numbers to a subscriber telephone number (col. 9, line 58 through col. 10, line 10 - *where Arbel discussed receiving a call made from one of a plurality of Dr. Warner's preferred patients, whose names or telephone numbers are listed in the database or table, to his telephone number, as discussed by Arbel in col. 12, lines 14-19 and lines 50-56. New patients or non-preferred caller whose names or telephone numbers are not listed in the table proceed in a normal fashion such as by connecting to voice mail, as discussed by Arbel in col. 12, line 61 through col. 13, line 3*), and to selectively forward the call to a one of a plurality of forwarding telephone numbers; and

a programmable telephone number table (col. 9, lines 58-60 - *database or table where call forwarding entries are entered in the database or programmable*) comprising forwarding telephone numbers associated with the subscriber telephone number (col. 10, lines 1-10 - *transfer to: Target*), and the plurality of preferred caller telephone numbers (col. 10, lines 1-10 - *Number*), it would have been obvious to one of ordinary

skill in the art at the time the invention was made that the controller 370 interrogates the database by using retrieval key. For example, the retrieval key is the subscriber telephone number such as Dr. Warner telephone number to retrieve call forwarding information table or database associated with Dr. Warner's table in Pine Valley Hospital Table or database that contains a plurality of tables associated with Drs. in the Hospital (a table comprising forwarding telephone numbers for Dr. Hubbarb, etc.), and can be edited by a user of the system (col. 10, lines 45-47); and the database would obviously associate with the subscriber telephone number or belong to the subscriber. For newly added limitation "a subscription list is comprising a plurality of subscriber telephone numbers...", please refer to 112 rejection above. It would have been obvious that in the art of telecommunications, a subscriber needs to subscribe for telephone services in order to make a telephone call and use the service. For example, for call forwarding feature, when a subscriber performs call forwarding, the central office or communication system would determine whether the subscriber subscribed and paid for the service on their subscription list, then allow the subscriber to use the service.

Arbel et al. do not teach the programmable telephone number table can be edited by a user of the system via a website; the telephone system uses TNoAnswer and TBusy triggers on a call to the subscriber telephone number, TCAP protocol to respond to triggers, and a flow through provisioning system to pass data.

Pershan et al. teach the programmable telephone number table can be edited by a user of the system via a website (col. 3, lines 32-36 and col. 7, lines 19-29); the

telephone system uses TNoAnswer and TBusy triggers on a call to the subscriber telephone number (col. 13, lines 14-38; col. 15, lines 55-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Pershan into the teachings of Arbel for the purpose of having a more efficient system by allowing the subscriber adding or deleting services via a website whenever necessary instead of having to wait for days for an operator from the operating company to change / update the service.

Arbel and Pershan do not teach providing an indication to a caller placing the call that the call is being forwarded to the forwarding telephone numbers.

Rogers et al. teach providing an indication to a caller placing the call that the call is being forwarded to the forwarding telephone numbers (col. 31, lines 60-63 - *where Rogers discussed playing the initiating party (caller) a message. For example, "I am tied up at the moment am transferring your to Sam"*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of a caller placing the call that the call is being forwarded to the forwarding telephone numbers, as taught by Rogers, in Arbel's and Pershan's systems in order to make it clear to the initiating party that his or her incoming call will be handled by a covering party whereby reducing the chance the initiating party hang up while the call is forwarded, thus making the system more efficient by allowing the caller to know the actual status of other system users (Rogers, col. 4, lines 40-45).

TCAP is a protocol in the SS7 protocol that enables the deployment of advance intelligent network services. TCAP protocol and TNoAnswer, TBusy triggers are well known in advance intelligent network and the advantage of using them are also well known. Blumhardt teaches TCAP protocol to respond to triggers (col. 4, lines 20-25).

As to claim 29, Pershan et al. teach the system of claim 28 wherein the programmable telephone number table is edited via a website (col. 7, lines 19-29).

As to claim 30, Pershan et al. teach the system of claim 28 wherein access to the programmable telephone number table is restricted (col. 7, lines 30-42 and line 66 through col. 8, line 11 - *where Pershan discussed subscribers gain access to and/or modify call forwarding information in their own service records via the website is limited to upon satisfying security checks such as a firewall, customer identification, password, and PIN*).

Claim 31 is rejected for the same reasons as discussed above with respect to claim 28. Furthermore, Arbel et al. teach a method comprising:

receiving a first call made to a subscriber telephone number from a first caller telephone number (*a first call made to Dr. Warner from patient Donna Sago*);

a plurality of preferred caller telephone numbers associated with subscribers telephone numbers (col. 9, line 58 through col. 10, line 10 - *where Arbel discussed the communication system configured to selectively forward a call from the patients to Dr. Warner to different ones of the forwarding telephone numbers are associated with the respective caller telephone numbers. For example, calls from patient Donna Sago telephone number 454-9557 to be forwarded to telephone number 453-7668 of Dr.*

Hubbard; while calls from patient Brooke English telephone number 467-2839 to be forwarded to telephone number 222-3333 of Dr. Martin);

determining whether the first caller telephone number is one of a plurality of preferred caller telephone numbers associated with the subscriber telephone number (col. 9, line 58 through col. 10, line 10 - *where Arbel discussed receiving a call made from one of a plurality of Dr. Warner's preferred patients, whose names or telephone numbers are listed in the database or table, to his telephone number, as discussed by Arbel in col. 12, lines 14-19 and lines 50-56. New patients or non-preferred caller whose names or telephone numbers are not listed in the table proceed in a normal fashion such as by connecting to voice mail, as discussed by Arbel in col. 12, line 61 through col. 13, line 3. It would have been obvious that the message delivery system needs to determine Donna Sago's telephone number associated with Dr. Warner's telephone number or Donna Sago called Dr. Warner's telephone number*);

if the caller telephone number is not a preferred caller telephone number, processing the call normally without forwarding the call to the forwarding number (col. 12, line 61 through col. 13, line 3 - *where Arbel discussed new patients or non-preferred caller whose names or telephone numbers are not listed in the table proceed in a normal fashion such as by connecting to voice mail*);

forwarding the first call to a first forwarding telephone number associated with the first caller telephone number (*forwarding Donna Sago to Dr. Hubbard's telephone number associated with Donna Sago telephone number per the predetermined selection from table in col. 10, lines 1-10*);

receiving at least a second call made to the subscriber telephone number from at least a second caller telephone number (*a second call made to Dr. Warner from patient Brooke English*);

determining whether the second caller telephone number is one of a plurality of preferred caller telephone numbers associated with the subscriber telephone number (col. 9, line 58 through col. 10, line 10 - *where Arbel discussed receiving a call made from one of a plurality of Dr. Warner's preferred patients, whose names or telephone numbers are listed in the database or table, to his telephone number, as discussed by Arbel in col. 12, lines 14-19 and lines 50-56. New patients or non-preferred caller whose names or telephone numbers are not listed in the table proceed in a normal fashion such as by connecting to voice mail, as discussed by Arbel in col. 12, line 61 through col. 13, line 3. It would have been obvious that the message delivery system needs to determine Brooke English's telephone number associated with Dr. Warner's telephone number or Brooke English called Dr. Warner's telephone number*); and

forwarding the second call to a second forwarding telephone number associated with the second caller telephone number (*forwarding Brooke English to Dr. Martin's telephone number associated with Brooke English telephone number per the predetermined selection from table in col. 10, lines 1-10*); and wherein if the first caller telephone number is not a preferred caller telephone number, the first call is processed normally without forwarding the first call to the first forwarding telephone number (col. 12, line 61 through col. 13, line 3 - *where Arbel discussed new patients or non-preferred caller whose names or telephone numbers are not listed in the table proceed in a*

normal fashion such as by connecting to voice mail); and wherein if the second caller telephone number is not a preferred caller telephone number, the second call is processed normally without forwarding the second call to the second forwarding telephone number (col. 12, line 61 through col. 13, line 3 - *where Arbel discussed new patients or non-preferred caller whose names or telephone numbers are not listed in the table proceed in a normal fashion such as by connecting to voice mail*). For newly added limitation "a subscription list is comprising a plurality of subscriber telephone numbers...", please refer to 112 rejection above. It would have been obvious that in the art of telecommunications, a subscriber needs to subscribe for telephone services in order to make a telephone call and use the service. For example, for call forwarding feature, when a subscriber performs call forwarding, the central office or communication system would determine whether the subscriber subscribed and paid for the service on their subscription list, then allow the subscriber to use the service.

As to claim 33, Arbel et al. teach the steps of: associate a plurality of preferred caller telephone numbers with the subscriber telephone number, and associate with each of the preferred caller telephone numbers at least one respective forwarding telephone number (col. 10, lines 1-10 - *where Arbel discussed receiving a call made from one of a plurality of Dr. Warner's preferred patients, whose names or telephone numbers are listed in the database or table, to his telephone number, as discussed by Arbel in col. 12, lines 14-19 and lines 50-56. New patients or non-preferred caller whose names or telephone numbers are not listed in the table proceed in a normal*

fashion such as by connecting to voice mail, as discussed by Arbel in col. 12, line 61 through col. 13, line 3).

As to claims 34 and 35, the limitation determining whether the first and second callers telephone numbers is one of plurality of preferred caller telephone numbers associated with the subscriber telephone number is rejected for the same reasons as discussed above with respect to claim 31, accessing a programmable telephone number table containing at least the subscriber telephone number and the plurality of preferred caller telephone numbers, and (col. 10, lines 1-10 - *where Arbel displayed a table that associating with different ones of the caller telephone numbers different respective forwarding telephone numbers*) and determining if the caller telephone number is a preferred caller telephone listed in the table / database (col. 12, lines 14-19 and lines 50-65).

As to claim 36, Rogers et al. teach the indication provided to the caller is an audible voice notification (col. 31, lines 60-63).

As to claim 37, Pershan et al. the indication provided to the caller is an audible tone (col. 24, lines 40-44).

As to claim 38, there are different ways of providing notification to the caller such as audible voice notification, audible tone, a lamp, etc. The latter is the preferred on this instant application.

Claims 39 and 42, 40 and 43, 41 and 44 are rejected for the same reasons as discussed above with respect to claims 36, 37, and 38, respectively.

As to claim 45, Arbel et al. teach different ones of the forwarding telephone numbers are associated with respective preferred caller telephone numbers and are also associated with the subscriber telephone number (col. 9, line 58 through col. 10, line 9).

As to claim 46, Arbel et al. teach associating the plurality of forwarding telephone numbers of the programmable telephone number table with respective preferred caller telephone numbers (col. 9, line 58 through col. 10, line 9).

As to claims 47 and 48, Arbel et al. teach forwarding the first call includes forwarding the first/second call to a first/second forwarding telephone associated with the first/second caller telephone number (col. 9, line 58 through col. 10, line 9).

4. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arbel, Pershan, Rogers, Blumhardt, and further in view of O'Neil et al. (U.S. Patent 5,963,864).

As to claim 32, Arbel, Pershan, Rogers, and Blumhardt do not teach determining whether the first forwarding telephone number is associated with a wireless telephone, and wherein forwarding the first call to the first forwarding telephone number is performed in response to determining that the wireless telephone is in an on-state.

O'Neil et al. teach forwarding the first call to the first forwarding telephone number is performed in response to determining that the wireless telephone is in an on-state (col. 6, lines 29-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of checking the availability of the wireless

telephone before forwarding the call, as taught by O'Neil, in Arbel's, Pershan's, Rogers', and Blumhardt's systems prior to forwarding the incoming call thus caller does not have to talk to an unexpected destination, for example, voice mail, etc. or any other person other than the anticipated one.

Response to Arguments

5. Applicant's arguments with respect to claims 28-48 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections.

Applicant mainly argues that cited prior arts do not teach subscription list comprising a plurality of subscriber telephone numbers and the subscriber list utilized to determine that the received call is to a subscriber having an entry in the programmable telephone number table. Please see above 112 rejections and claims rejections. It would have been obvious that in the art of telecommunications, a subscriber needs to subscribe for telephone services in order to make a telephone call and use the service. For example, for call forwarding feature, when a subscriber performs call forwarding, the central office or communication system would determine whether the subscriber subscribed and paid for the service on their subscription list, then allow the subscriber to use the service.

Claim 31 is a method claim. In order for a method to be considered a "process" under 101, a claimed process must either (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or

materials) (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-788 (1876)). If neither of these requirements is met by the claims, the method is not a patent eligible process under 101 and is non-statutory subject matter. Thus, to qualify as a statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example, by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example, by identifying the material that is being changed to a different state. Failure to make appropriate corrections would lead to 101 rejections.

Claim 28 recites “configured to” clauses in lines 4 and 13. The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim: statements of intended use of field of use; “adapted to” or “adapted for” clauses, “wherein” clauses, or “whereby” clauses. Failure to make appropriate corrections would lead to 112 second paragraph rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

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/Quynh H Nguyen/
Primary Examiner, Art Unit 2614